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December 7, 2023

Via ECF

Hon. James M. Wicks, U.S.M.J.
United States District Court
Eastern District of New York
100 Federal Plaza, Courtroom 1020
Central Islip, NY 11722-4438

Re: Superb Motors Inc. et. al. v. Deo, et. al., Case No. 2:23-cv-6188 (JMW)

Dear Magistrate Judge Wicks:

This firm represents the “Island Auto Plaintiffs”, being all Plaintiffs in the above referenced matter other than the “Superb Plaintiffs” (being Superb Motors Inc., Team Auto Sales LLC, and Robert Anthony Urrutia). We write this letter jointly on behalf of all parties, except for Harry Thomasson, Esq. and his former clients (collectively the “Deo Defendants”), seeking clarification concerning the stay of the action as per the Court’s Order dated December 1, 2023 (Dkt. 117) (the “Stay Order”) as it may apply to other pending matters in this case.

Prior to the issuance of the Stay Order, the Court had approved a briefing schedule for defendant Flushing Bank’s motion to dismiss (the “Flushing Bank Motion”) and defendants’ Thomas Jones and Jones, Little & Co., CPA LLP’s motion to dismiss (the “Jones Motion”). The briefing schedule for the Flushing Bank Motion provides for the motion, opposition and reply to be served on November 13, 2023 (already served), December 11, 2023 and January 5, 2004, respectively. The briefing schedule for the Jones Motion provides for the motion, opposition and reply to be served on December 13, 2023, January 15, 2024 and January 29, 2004, respectively.

Further, defendant Libertas Funding LLC’s time to respond to the Amended Complaint expires on December 18, 2023, and it intends to file a request for a pre-motion conference.

Being that this case has been stayed until January 2, 2024, the parties joining in this letter respectfully request guidance as to whether the Court prefers for (i) these parties to comply with the current deadlines, with the opportunity for the Deo Defendants to take a

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position, should they so choose, after January 2, 2024, (ii) these parties to agree upon alternate dates for filing motions and responses to the motions after January 2, 2024 (i.e., the Flushing Bank Motion and the Jones Motion), and the filing of a request for a pre-motion conference by Libertas, or (iii) whether the Court will address all new dates and deadlines at the January 9, 2024 conference.

We thank the Court for its consideration in this regard.

Respectfully yours,

/s/ Jeffrey C. Ruderman

Jeffrey C. Ruderman

cc: All counsel via ECF

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